

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD G. TURAY,

Petitioner,

v.

KELLY CUNNINGHAM,

Respondent.

Case No. C11-1366 RSM

**ORDER DISMISSING 28 U.S.C.  
§ 2254 HABEAS PETITION WITH  
PREJUDICE AND DENYING  
CERTIFICATE OF  
APPEALABILITY**

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, respondent's Answer, petitioner's document regarding exhaustion of annual reviews, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, finds and orders as follows:

1. The Report and Recommendation is **ADOPTED**;
2. Petitioner's § 2254 habeas petition is **DISMISSED** with prejudice based on the law of the case doctrine;
3. Petitioner is **DENIED** issuance of a certificate of appealability; and
4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 2<sup>nd</sup> day of October 2013.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE